



MAIL STOP AMENDMENT  
Attorney Docket No. 26230

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DIETRICH, Linder

Serial No: 10/505,138

Group Art Unit: 1615

Filed: August 19, 2004

Examiner: SILVERMAN, Eric

For: ORAL DOSAGE FORM CONTAINING A PDE4 INHIBITOR AS AN ACTIVE INGREDIENT  
AND POLYVINYLPIRROLIDON AS EXCIPIENT

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action dated October 11, 2007. The one-month shortened statutory period for response expires on Tuesday, November 13, 2007, as November 11 falls on a Sunday, and Monday November 12 is a federal holiday. Accordingly, this Response is timely filed.

REMARKS

Claims 38-48, 53-55, 65, and 68-87 are pending in the captioned application. The Examiner has indicated that claims 38-48, 53-55, 65, and 68-87 are subject to restriction and/or election in the following groups:

Group I: Tablets, or

Group II: Pellets.

The Examiner also provides notice that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim.

**ELECTION**

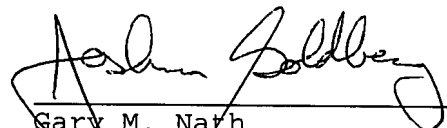
Applicants provisionally elect Tablets of Group I, with traverse. At least claims 38-48, 53, 54, 55, 65, and 68-87 read on the elected species. Applicants traverse the election requirement because it would pose no additional burden on the Examiner to search the process of making either tablets or pellets since the process for making the dosage forms can produce both tablets and pellets, as further exemplified by claim 38. Accordingly, a proper search of the process for making the dosage forms would relate to both tablet and pellet forms.

If the Examiner has any questions or wishes to discuss this matter, the Examiner is welcomed to telephone the undersigned attorney.

Respectfully submitted,  
**THE NATH LAW GROUP**

Date: November 13, 2007  
**THE NATH LAW GROUP**  
112 S. West Street  
Alexandria, VA 22314

Tel: (703) 548-6284  
Fax: (703) 683-8396

  
Gary M. Nath  
Reg. No. 26,965  
Joshua B. Goldberg  
Reg. No. 44,126  
Charles D. Niebylski  
Reg. No. 46,116  
Customer No. 34375